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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

ARIQ ANDREW CARRIGAN,

Defendant and Appellant.

E070738

(Super.Ct.No. FSB17003219)

OPINION

APPEAL from the Superior Court of San Bernardino County. Ronald M. Christianson, Judge.

Patricia M. Ihara, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

A jury convicted defendant and appellant, Ariq Andrew Carrigan, of robbery (Pen. Code, § 211; count 1) and assault by force likely to cause great bodily injury (Pen. Code, § 245, subd. (a)(4); count 2). The court sentenced defendant to three years of imprisonment.

After defense counsel filed a notice of appeal, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the facts, a statement of the case, and three potentially arguable issues: (1) whether substantial evidence supports defendant's conviction for robbery; (2) whether substantial evidence supports defendant's conviction for assault; and (3) whether substantial evidence supports the jury's determination that the force used on the victim was used to accomplish the theft. We affirm.

I. FACTUAL BACKGROUND

In August 2017, the victim had been camping in Big Bear for a couple of weeks. On August 22, 2017, he gave a ride to defendants¹ into town. The victim had previously given rides to the defendants three or four times.

The victim drove his car down the road to a campsite with defendant sitting in the passenger seat and Walker sitting in back. After parking, the victim gathered his wallet

¹ The trial proceeded as to both defendant and his codefendant, Jerry Walker. Walker is not a party to this appeal.

and phone from the center console. His wallet was taken from his hand as Walker put something which felt like a cord, rope, or wire around his neck. The victim began to be “choked and pummeled.” Defendant punched him in the face approximately 40 times while he was being choked from the backseat. Walker pummeled the victim while choking him, including hitting him with a piece of firewood.

The victim “reached up and started trying to pull the wire off” his neck with both his hands. At some point, he was able to pull the cord off his neck. Defendants ran off. The victim called the police. He provided the police with descriptions and the names of defendants.

The victim told the police he knew where defendants were camping. Police responded to that campsite, where they made contact with defendants. A cellphone which did not belong to the victim was located in the backseat of his vehicle. Walker provided the police with a cellphone number when booked; when an officer called that number, the phone found in the victim’s vehicle rang.

II. DISCUSSION

We offered defendant an opportunity to file a personal supplemental brief, which he has not done. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no arguable issues.

III. DISPOSITION

The judgment is affirmed.

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McKINSTER
J.

We concur:

RAMIREZ
P. J.

RAPHAEL
J.